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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

ORDER

-vs-

CR-02-606-6(FB)

Richard G. Gotti,

Defendant.

On August 10, 2005 the Court of Appeals issued a summary order remanding this case for further proceedings in conformity with *United States v. Booker*, 125 S. Ct. 738 (2005) and *United States v. Crosby*, 397 F.3d 103 (2d Cir. 2005). The Court is inclined not to sentence the defendant differently than the sentence that was imposed on July 19, 2004. Accordingly it is

HEREBY ORDERED the defendant shall notify the Court within 10 days of this order as to whether this matter should be scheduled for re-sentencing.

SO ORDERED.

UNITED STATES DISTRICT JUDGE

DATED: Brooklyn, N.Y.
September 12, 2005

cc.: AUSA Katya Jestin,
Joseph Corozzo, Esq.